

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3039 of 2007

Kumar Laxman Ghadge.

..Applicant.

Vs.

The State of Maharashtra

..Respondent.

Mr Kuldeep S. Patil, Advocate for the
applicant.

Mr V. V. Nikam, A.P.P for the State.

CORAM: V.C. DAGA,J.

DATED: 10TH OCT, 2007.

P.C.:-

1. Heard learned counsel for the applicant
and learned A.P.P.for the State.

2. Perused application and the material
available on record.

3. The applicant is seeking bail under
Section 439 of the Cr.P.C. in connection with
C.R. No. 257 of 2007. The applicant is
arrested by the Vishrambag Police Station on
21-1-2007 for the offence punishable under
Sections 302, 143, 147, 148, read with Section
149 of the I.P.C.

4. Here I may mention that the observations
made by learned Additional Sessions Judge,
Sangli in para 7 of the order dated 17-5-2007

while rejecting application for bail also hold
 good even while considering the present
 application. Para 7 of the said order reads
 as under:

"There are several grievous injuries and incised wounds inflicted on the person of the deceased. The cause of death which is shock due to haemorrhage and injury to vital organ brain, associated with fracture of left parietal bone, temporal left, occipital and left maxilla, with associated fractures of left 4th and 5th ribs, inflicted with sharp cutting aged weapons, with hard blows, fatal and causing death on the spot immediately, require the Court to believe that there are series of act committed not by one person but more than one person and considering the nature of previous enmity, life style, the present applicants and deceased living in, their antecedents and the direct and circumstantial evidence available against accused, it can certainly be said that, act was premeditated and as stated by the prosecution witnesses, who know the accused applicants, they have a design to commit offence with premeditated plan. Therefore, at this stage, their role cannot be even prima facie separated from other accused because some one has seen and some one has not seen the weapon in their hands."

5. Having seen the order passed by the learned Additional Sessions Judge, Sangli who has given detail reasons with factual aspect with which I concur and affirm. Hence it is

not necessary to repeat the same. Needless to mention that there is sufficient material on record to connect the present applicant with the offence alleged against him. No case is made out to take contrary view which has taken by the learned Additional Sessions Judge.

6. In the result, application is rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)